IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 1ST AUGUST 2007 / 10TH SRAVANA 1929

Bail Appl..No. 4793 of 2007()

ST.3525/2006 of J.M.F.C.-I, KANNUR

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PETITIONER/ACCUSED

PULLANJIYOTTU PUTHIYAPURAYIL IBRAHIM,
S/O. KAMAL, AGED 41 YEARS, KANDIKKAL,
AYIPUZHA, KOODALI P.O., KANNUR DISTRICT.

BY ADV. SRI.V.A.SATHEESH
SRI.V.T.MADHAVANUNNI

RESPONDENTS:

THE STATION HOUSE OFFICER,
KANNUR TOWN POLICE STATION, KANNUR DISTRICT,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY P.P. SRI. JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 4793 OF 2007

Dated this the 1st day of August, 2007

ORDER

The petitioner faces indictment in a prosecution for the offence punishable under Sec.138 of the Negotiable Instruments Act. On receipt of summons from the court, the petitioner had entered appearance through a counsel and had applied for exemption. The learned Magistrate has rejected the said application and issued a non-bailable warrant of arrest, it is submitted.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. The petitioner, in these circumstances, wants to surrender before the learned Magistrate and seek regular bail. The petitioner apprehends that his application for regular bail may not be considered by the learned Magistrate on merits in accordance with law and expeditiously. It is, in these circumstances, that the petitioner

has come to this Court for a direction to the learned Magistrate to release him on bail when he appears before the learned Magistrate.

3. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider the petitioner's application for regular bail on merits in accordance with law and expeditiously. No special or specific directions appear to be necessary. Every court must do the same. Sufficient general directions on this aspect have already been issued in the decision reported in **Alice George v. Deputy Superintendent of Police** (2003 (1) KLT 339).

4. In the result, this bail application is dismissed; but with the observation that if the petitioner surrenders before the learned Magistrate and seeks bail, after giving sufficient prior

notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously – on the date of surrender itself.

4. Hand over a copy of this order to the learned counsel for the petitioner.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge